

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No. 13-10054-RGS

MARVYN ST. AUBYN MURDOCK

v.

ATTORNEY GENERAL ERIC HOLDER, et al.

MEMORANDUM AND ORDER

October 30, 2013

STEARNS, D.J.

For the reasons stated below, the habeas petition is dismissed as moot.

DISCUSSION

On January 7, 2013, petitioner Marvyn Murdock, a citizen of Jamaica and an immigration detainee being held at the Plymouth County Correctional Facility, filed a self-prepared petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging his continued detention and seeking immediate release on the grounds that his continued detention is in violation of his due process rights as articulated by the Supreme Court in Zadvydas v. Davis, 533 U.S. 678 (2001). With his complaint, he filed an Application to Proceed Without Prepayment of Fees and Affidavit. Since that time, petitioner filed a Motion for Custody Redetermination as well as a Notice of Change of Address.

On October 28, 2013, this case was randomly reassigned to the undersigned pursuant to Judge Mark L. Wolf's taking of senior status. Upon reassignment, a clerk contacted the Department of Homeland Security to ascertain petitioner's current address. The clerk was informed that petitioner was removed to Jamaica on May 30, 2013.

Petitioner's release moots his petition because this Court is no longer presented with a case or controversy, as is required by the Constitution. Because petitioner has been released from immigration custody, the instant claim is moot. See Mangual v.

Rotger-Sabat, 317 F.3d 45, 60 (1st Cir. 2003) (citation omitted) ("If events have transpired to render a court opinion merely advisory, Article III considerations require dismissal of case.").

CONCLUSION

ACCORDINGLY, for the reasons stated above, petitioner's habeas petition is dismissed as MOOT. The Clerk shall enter judgment dismissing this case without prejudice.

SO ORDERED.

/s/ Richard G. Stearns
UNITED STATES DISTRICT JUDGE